

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

VIVIAN DOROTHEA GROVER-TSIMI,

Civil No. 09-2633 (DWF/JJG)

Plaintiff,

v.

**ORDER ADOPTING REPORT
AND RECOMMENDATION**

PARK DENTAL GROUP

(a.k.a. Park Dental Doctor's Group,
a.k.a. Park Dental Resource Group,
a.k.a. PDG, P.A.) on behalf of
BARTON G. DAVIS, DDS,
STACEY K. VOGT, DDS, and
JUSTIN L. HAGEN, DDS,

Defendants.

Vivian Dorothea Grover-Tsimi, *Pro Se*, Plaintiff.

This matter is before the Court upon Plaintiff's objections to Magistrate Judge Jeanne J. Graham's Report and Recommendation dated October 7, 2009, recommending that Plaintiff's "Application to Proceed Without Prepayment of Fees," be denied and that this action be summarily dismissed for lack of subject matter jurisdiction, pursuant to Fed. R. Civ. P. 12(h)(3).

The Court has conducted a *de novo* review of the record, including a review of the arguments and submissions of counsel, pursuant to 28 U.S.C. § 636(b)(1) and Local Rule 72.2(b). The factual background for the above-entitled matter is clearly and precisely set forth in the Report and Recommendation and is incorporated by reference

for purposes of Plaintiff's objections. Specifically, the Court has carefully reviewed the objections of the Plaintiff. Significantly, even if the Court assumes each and every assertion by the Plaintiff to be true and accurate, there simply is no subject matter jurisdiction. The limited jurisdiction of the federal court is not limited to the amount of money being sought by the Plaintiff. Whether the amount was \$350,000 or something two or three times that amount would not affect the outcome of this case. If there is to be a cause of action, this case is in the state court system, not the federal court, for the reasons stated by Magistrate Judge Graham. Moreover, any amendments suggested to the complaint by the Plaintiff, while made in good faith, would not remedy this Court's lack of subject matter jurisdiction which is a threshold requirement which must be established in every federal case. Consequently, this Court is obligated to dismiss the above-entitled action.

Based upon the *de novo* review of the record and all of the arguments and submissions of the parties and the Court being otherwise duly advised in the premises, the Court hereby enters the following:

ORDER

1. Plaintiff Vivian Dorothea Grover-Tsimi's objections (Doc. No. 6) to Magistrate Judge Jeanne J. Graham's Report and Recommendation dated October 7, 2009, are **DENIED**.

2. Magistrate Judge Jeanne J. Graham's Report and Recommendation dated October 7, 2009 (Doc. No. 5), is **ADOPTED**.

3. Plaintiff's "Application to Proceed Without Prepayment of Fees," (Doc. No. 2), is **DENIED**.

4 This action is summarily **DISMISSED** for lack of subject matter jurisdiction, pursuant to Fed. R. Civ. P. 12(h)(3).

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: January 12, 2010

s/Donovan W. Frank
DONOVAN W. FRANK
United States District Judge